



Reprinted
January 31, 2006

HOUSE BILL No. 1172

DIGEST OF HB 1172 (Updated January 30, 2006 6:12 pm - DI 77)

Citations Affected: IC 16-34.

Synopsis: Information on pain and anesthetic for a fetus. Provides that informed consent to an abortion includes the requirement that a physician inform a pregnant woman that: (1) a fetus may feel pain; (2) an anesthetic or other painkilling medication is not currently medically possible until the fetus has reached a probable gestational age of at least 20 weeks, however, if medical practice changes to allow a fetus to receive anesthetic or other painkilling medication earlier than 20 weeks the provider shall inform the woman of the option; (3) an anesthetic or other painkilling medication may be provided during an abortion to a fetus with a probable gestational age of at least 20 weeks; and (4) insurance may or may not cover the service. Provides further that notice must be given in writing at least 18 hours before an abortion concerning the availability of adoptions, physical risks to the woman in having an abortion, and that human life begins when a human ovum is fertilized by a human sperm.

Effective: July 1, 2006.

**Harris T, Woodruff, Turner,
Bischoff**

January 9, 2006, read first time and referred to Committee on Public Policy and Veterans Affairs.
January 26, 2006, amended, reported — Do Pass.
January 30, 2006, read second time, amended, ordered engrossed.

HB 1172—LS 6265/DI 104+



C
o
p
y

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1172

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-34-2-1.1, AS AMENDED BY P.L.36-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 1.1. (a) An abortion shall not be performed except
4 with the voluntary and informed consent of the pregnant woman upon
5 whom the abortion is to be performed. Except in the case of a medical
6 emergency, consent to an abortion is voluntary and informed only if the
7 following conditions are met:

8 (1) At least eighteen (18) hours before the abortion and in the
9 presence of the pregnant woman, the physician who is to perform
10 the abortion, the referring physician or a physician assistant (as
11 defined in IC 25-27.5-2-10), an advanced practice nurse (as
12 defined in IC 25-23-1-1(b)), or a midwife (as defined in
13 IC 34-18-2-19) to whom the responsibility has been delegated by
14 the physician who is to perform the abortion or the referring
15 physician has orally informed the pregnant woman of the
16 following:

17 (A) The name of the physician performing the abortion.

HB 1172—LS 6265/DI 104+



C
o
p
y

(B) The nature of the proposed procedure or treatment.
 (C) The risks of and alternatives to the procedure or treatment.
 (D) The probable gestational age of the fetus, including an offer to provide:

- (i) a picture or drawing of a fetus;
- (ii) the dimensions of a fetus; and
- (iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

(F) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(G) The:

- (i) fetus may feel pain;**
- (ii) option of providing during an abortion an anesthetic or other painkilling medication to a fetus is not medically possible until the fetus has a probable gestational age of at least twenty (20) weeks and that this service may or may not be covered by insurance. However, if medical practice changes to allow for the option of a fetus to receive anesthetic or painkilling medication earlier than at the gestation age of twenty (20) weeks, the provider shall inform the woman of this option; and**
- (iii) option of providing during an abortion an anesthetic or other painkilling medication to a fetus that has a probable gestation age of at least twenty (20) weeks and that this service may or may not be covered by insurance.**

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be orally informed of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of family and children.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

~~(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.~~

C
o
p
y



1 **(3) At least eighteen (18) hours before the abortion, the**
2 **pregnant woman will be informed in writing of the following:**

3 **(A) That adoption alternatives are available and that**
4 **adoptive parents may legally pay the costs of prenatal care,**
5 **childbirth, and neonatal care.**

6 **(B) That there are physical risks to the woman in having**
7 **an abortion, both during the abortion procedure and after.**

8 **(C) That human life begins when a human ovum is**
9 **fertilized by a human sperm.**

10 ~~(3)~~ **(4) The pregnant woman certifies in writing, before the**
11 **abortion is performed, that the information required by**
12 **subdivisions (1) ~~and (2)~~ through (3) has been provided.**

13 (b) Before an abortion is performed, the pregnant woman may, upon
14 the pregnant woman's request, view the fetal ultrasound imaging and
15 hear the auscultation of the fetal heart tone if the fetal heart tone is
16 audible.

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, strike lines 31 through 33.

Page 2, between lines 33 and 34, begin a new line block indented and insert:

"(3) At least eighteen (18) hours before the abortion, the pregnant woman will be informed in writing of the following:

(A) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(B) That there are physical risks to the woman in having an abortion, both during the abortion procedure and after.

(C) That human life begins when a human ovum is fertilized by a human sperm."

Page 2, line 34, strike "(3)" and insert "(4)".

Page 2, line 36, strike "and (2)" and insert "through (3)".

and when so amended that said bill do pass.

(Reference is to HB 1172 as introduced.)

STUTZMAN, Chair

Committee Vote: yeas 8, nays 3.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1172 be amended to read as follows:

Page 2, line 17, delete "and".

Page 2, line 19, delete "that" and insert **"is not medically possible until the fetus"**.

Page 2, line 22, after "insurance." insert **"However, if medical practice changes to allow for the option of a fetus to receive anesthetic or painkilling medication earlier than at the gestation age of twenty (20) weeks, the provider shall inform the woman of this option; and"**.

Page 2, between lines 22 and 23, begin a new line triple block indented and insert:

HB 1172—LS 6265/DI 104+



C
o
p
y

“(iii) option of providing during an abortion an anesthetic or other painkilling medication to a fetus that has a probable gestation age of at least twenty (20) weeks and that this service may or may not be covered by insurance.”.

(Reference is to HB 1172 as printed January 27, 2006.)

HARRIS T

**C
o
p
y**

